

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IRON WORKERS LOCAL 25  
PENSION FUND, et al.,

Plaintiffs

Case No. 04-72536

Hon. Marianne O. Battani

v.

STEEL STRUCTURES,  
INC., et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
PLAINTIFFS' MOTION FOR SHOW CAUSE AND/OR FOR AN ORDER  
COMPELLING ROBERT KEHRIG AND KEHRIG STEEL, INC.'S  
APPEARANCE AND PAYMENT OF COSTS**

Plaintiffs filed a lawsuit against Defendant seeking recovery of unpaid fringe benefit contributions. The Court entered judgment for Plaintiffs in October 10, 2006. On March 31, 2012, Plaintiffs served a subpoena on nonparty Robert Kehrig and a corporate representative of Kehrig Steel, Inc. No motion to quash the subpoena was filed, and no one appeared for deposition or provided the documents requested under the subpoena.

Consequently, Plaintiffs asked the Court to order Kehrig and a corporate representative of Kehrig Steel to appear and explain why they failed to comply with the subpoena. In addition, Plaintiffs asked the Court to issue an order directing Robert Kehrig and a corporation representative of Kehrig Steel to produce documents and appear for deposition on the same date as the show cause hearing. Lastly, Plaintiffs asked for costs associated with their efforts to compel compliance with the subpoena.

The Court referred the matter to Magistrate Judge Mona K. Majzoub. On November 19, 2012, she issued her Report and Recommendation, that Plaintiffs' motions be denied. The Magistrate Judge informed the parties that objections to the Report and Recommendation ("R&R") must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 66 at 4).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, and **DENIES** Plaintiffs' motion.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: December 10, 2012

**CERTIFICATE OF SERVICE**

Copies of this Order were mailed to counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt  
Case Manager